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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,733	03/11/2004	Lloyd W. Rogers JR.	DP-309970	5001
<div>7590 01/23/2007 SCOTT A. McBAIN, ESQ. DELPHI TECHNOLOGIES, INC. P.O. BOX 5052 M/C 480-410-202 TROY, MI 48007</div>			<div>EXAMINER REDMAN, JERRY E</div> <div>ART UNIT PAPER NUMBER .3634</div>	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/798,733	Applicant(s) ROGERS ET AL.	
	Examiner Jerry Redman	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 31 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 is/are allowed.
- 6) ☒ Claim(s) 20-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/2/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

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Applicant's election with traverse of Group II-claims 1-30 in the reply filed on 11/9/2006 is acknowledged. The traversal is on the ground(s) that the restriction requirement unduly burdens the applicant by requiring them to file and prosecute multiple applications. This is not found persuasive because the applicant clearly discloses and claims two separate inventions and more specifically, a modular drive assembly and a method for installing a drive assembly. These separate inventions would require a separate search since the method of assembling is not within the scope of the apparatus.

The requirement is still deemed proper and is therefore made FINAL.

Status of the claims:

Claim 31 has been withdrawn from consideration; and

Claims 1-30 are here addressed below.

The applicant's information disclosure statement dated 7/2/2004 has been considered and a copy has been placed in the file.

The disclosure is objected to because of the following informalities: On page 1, second paragraph, the applicant has failed to provide the proper continuation data.

Appropriate correction is required.

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Claims 20-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 20, line 10, the phraseology "said single cable drum being located a rear end" is not readily understood by the Examiner.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20-30 are further rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al. (5,884,433). Watanabe et al. (5,884,433) disclose a modular drive assembly comprising a sliding door (5), a guide track (3) having a hinge assembly (4) slidably received therein, a front pulley (10) disposed on a forward end of the guide track (3), a pair of cables (7) each having one end attached to the hinge assembly (4), and an opposite end attached to a cable drum (18), a motor drive unit (17) mounted on one side of the guide track (3), the guide track (3) having a curved portion (see Figure 2), a cable tensioner (see Figure 3), a first and second roller assembly (see the rollers on hinge assembly in Figure 2), and a plurality of mounting studs (as shown in Figure 1, it is inherent that the track is mounted to the vehicle and any fastener is considered a "stud").

Claims 1-19 are allowable.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patents to Kita and Azuma disclose drive assemblies similar to that of the applicant's invention.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.


Jerry Redman
Primary Examiner